



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chang
Serial No.: 09/616,404
Confirmation No.: Unassigned
Filed: July 14, 2000
For: ARTIFICIAL NAIL AND
METHOD OF APPLYING
SAME

Examiner: Comstock, D.
Group Art Unit: 3732
Docket: 858-11
Dated: May 11, 2001

Assistant Commissioner for Patents
Washington, DC 20231

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20231 on May 11, 2001

Dated: 5/11/01

Kathleen O'Day

AMENDMENT

Sir:

In response to the Office Action dated February 13, 2001, please amend the above-
identified application in accordance with 37 C.F.R. §1.121 as follows:

IN THE CLAIMS:

Please amend Claims 1, 5 and 6 as follows:

1. (Amended) An artificial fingernail, comprising a nail body made from transparent material and having a nail bed portion and a nail tip portion and a dividing line between the nail bed portion and the nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion corresponding in size and shape to the nail bed of a natural fingernail, and adapted to be adhered to a natural fingernail allowing the natural nail bed to be visible therethrough, and said nail tip portion being painted with an
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opaque decoration that obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail.

5. (Amended) An artificial fingernail kit, comprising:

at least ten artificial fingernails, each nail comprising a nail body made from transparent plastic and having a nail bed portion and a nail tip portion and a dividing line between the nail bed portion and the nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion corresponding in size and shape to the nail bed of a natural fingernail, and adapted to be adhered to a natural fingernail, allowing the natural nail bed to be visible therethrough, wherein said nail tip portion contains an opaque decoration painted thereon that obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail; and

a translucent pink adhesive, wherein the natural nail color is visible through the adhesive and artificial nail when the artificial nail is applied to a natural nail with the adhesive.

6. (Amended) A method of applying artificial fingernails, comprising:

applying a translucent pink adhesive to an artificial nail, said artificial nail comprising a nail body made from transparent material and having a nail bed portion and a nail tip portion and a dividing line between the nail bed portion and the nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion corresponding in size and shape to the nail bed of a natural fingernail, and said nail tip portion being painted with an opaque decoration that obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail, wherein said adhesive is applied to the nail bed portion only; and

placing the nail bed portion over a natural nail bed, such that the dividing line of the artificial nail is substantially aligned with the transition of the natural nail from bed to tip

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wherein the artificial nail adheres to the natural nail bed and the natural nail bed is visible through the adhesive and the nail bed portion of the artificial nail.

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REMARKS

The Office Action dated February 13, 2001 and the references cited therein have been carefully considered. In response to the Office Action, Applicants have amended Claims 1, 5 and 6 in a sincere effort to overcome the Examiner's rejections.

In the Office Action, the Examiner has rejected Claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,942,332 to Hamberg in view of U.S. Patent No. 5,782,248 to Chang. Specifically, the Examiner contends that Hamberg discloses an artificial fingernail made from a transparent material. The Examiner notes that Hamberg does not disclose a nail tip portion containing an opaque decoration that obscures the natural nail tip. However, the Examiner contends that Chang discloses a nail decoration having an opaque portion covering the nail tip and, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the artificial nail of Hamberg with a nail decoration in view of Chang.

The Examiner has also rejected Claim 5 under 35 U.S.C. §103(a) as being unpatentable over Hamberg in view of Chang and further in view of U.S. Patent No. 3,982,551 to Bartolucci. The Examiner contends that Bartolucci discloses an artificial fingernail kit that when combined with Hamberg and Chang renders Claim 5 obvious.

Finally, the Examiner has also rejected Claim 6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,615,348 to Nakata et al in view of Chang. The Examiner contends that Nakata et al. disclose a method of applying artificial fingernails comprising the steps of applying a translucent pink adhesive to an artificial nail and placing the nail bed portion of the artificial nail over a natural nail bed.

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In response to the Office Action, Applicant has amended Claims 1, 5 and 6 to further define the claimed features of the invention. Claim 1, as amended, defines an artificial fingernail made from a transparent material and having a nail bed portion, a nail tip portion and a dividing line between the nail bed portion and the nail tip portion. The dividing line generally corresponds to the transition of a natural nail from bed to tip. The nail bed portion is adapted to be adhered to a natural fingernail allowing the natural nail bed to be visible therethrough, while the nail tip portion is painted with an opaque decoration that obscures the natural nail tip when the artificial nail is applied. Claim 5, as amended, defines an artificial fingernail kit comprising at least ten artificial fingernails as defined in Claim 1 as amended. Claim 6, as amended, defines a method of applying an artificial fingernail as defined in Claim 1, as amended, including the step of aligning the dividing line of the artificial fingernail with the transition of the natural nail from bed to tip, such that the natural nail bed is visible through the bed portion and the natural nail tip is obscured by the tip portion. It is respectfully submitted that none of the prior art references cited by the Examiner, taken alone or combined, teach or suggest an artificial nail having a transparent nail bed portion that allows the natural nail bed to be visible therethrough, and a nail tip portion that obscures the natural nail tip.

Hamberg discloses an artificial fingernail that can be constructed of transparent material. However, the "body portion of the shield 11 is provided with a colored portion 15" so that "each of the finger nails of the fingers of the hand may be provided with a shield having a selected color". (Col. 1, lines 74-79). Thus, Hamberg teaches away from the present invention by specifically coloring the bed portion of the nail. In other words, the artificial fingernail disclosed by Hamberg will not allow the natural fingernail bed to be visible through the bed portion as defined in Claims 1, 5 and 6, as amended, of the present invention. Therefore, it is respectfully submitted that Claims 1, 5 and 6, as amended, and the claims that depend therefrom patentably distinguish over the prior art.

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Additionally, as noted by the Examiner, Hamberg does not disclose a nail tip portion containing an opaque decoration covering the nail tip and obscuring the natural nail tip. The Examiner notes that Chang discloses a nail decoration having an opaque portion that obscures the nail tip when applied and further discloses using white polish to cover the nail tip. However, the nail decoration disclosed by Chang is a decal 16 that is removed from a decal sheet and applied directly to the natural fingernail. The process disclosed by Chang for applying the decal involves first applying a layer of polish 14, removing the decal 16 from a decal sheet 20, carefully applying the thin film decal to the natural fingernail and then applying a top coat layer 18 to further secure the decal to the nail. Similarly, in an alternate embodiment, Chang discloses applying a French manicure by first applying a base coat 14 to a natural fingernail, carefully positioning a tip guide 34 to the natural fingernail, polishing the free edge of the nail with a polish 35, allowing the polish to dry, removing the tip guide and then applying an additional coat of polish 33 for enhancing the cosmetic appearance of the natural fingernail. These tedious processes are precisely what the present invention has sought to avoid. The present invention provides a simple, easy to apply, artificial fingernail having a French manicure design already incorporated therein. There is simply no teaching or suggestion in Chang of this feature of the invention.

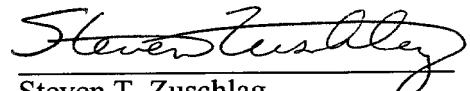
Furthermore, contrary to the Examiner's assertion, if one skilled in the art were to combine the teachings of Hamberg and Chang, the result would still be entirely different than that of the present invention. In other words, if one were to provide the artificial nail of Hamberg with a nail decoration having an opaque portion, or with a white polish covering the nail tip, as disclosed by Chang, the result would not be an artificial nail having a bed portion that allows the natural nail bed to be visible therethrough. Instead, since the bed portion of the Hamberg nail is opaque and the tip portion of the Chang decal is opaque, the combination would result in an artificial fingernail that is completely opaque. Thus, for these additional reasons, it is respectfully submitted that Claims 1, 5 and 6, as amended, and the claims that depend therefrom patentably distinguish over the prior art.

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In view of the foregoing amendments and remarks, entry and favorable consideration of the amendments and allowance of the application with Claims 1-6 are respectfully solicited.

If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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VERSION OF AMENDMENT WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend Claims 1, 5 and 6 as follows:

1. (Amended) An artificial fingernail, comprising a nail body made from transparent material and having a nail bed portion and a nail tip portion and a dividing line between the nail bed portion and the nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion corresponding in size and shape to the nail bed of a natural fingernail, and adapted to be adhered to a natural fingernail allowing the natural nail bed to be visible therethrough, and said nail tip portion [containing] being painted with an opaque decoration that obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail.

5. (Amended) An artificial fingernail kit, comprising:
at least ten artificial fingernails, each nail comprising a nail body made from transparent plastic and having a nail bed portion and a nail tip portion and a dividing line between the nail bed portion and the nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion corresponding in size and shape to the nail bed of a natural fingernail, and adapted to be adhered to a natural fingernail allowing the natural nail bed to be visible therethrough; wherein said nail tip portion contains an opaque decoration painted thereon that obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail; and

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a translucent pink adhesive, wherein the natural nail color is visible through the adhesive and artificial nail when the artificial nail is applied to a natural nail with the adhesive.

6. (Amended) A method of applying artificial fingernails, comprising:

applying a translucent pink adhesive to an artificial nail, said artificial nail comprising a nail body made from transparent material and having a nail bed portion and a nail tip portion and a dividing line between the nail bed portion and the nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion corresponding in size and shape to the nail bed of a natural fingernail, and said nail tip portion [containing] being painted with an opaque decoration that obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail, wherein said adhesive is applied to the nail bed portion only; and

placing the nail bed portion over a natural nail bed, such that the dividing line of the artificial nail is substantially aligned with the transition of the natural nail from bed to tip wherein the artificial nail adheres to the natural nail bed and the natural nail bed is visible through the adhesive and the nail bed portion of the artificial nail.

ATTACHMENT A

